

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PETER DELVECCHIA, individually  
and as next friend of A.D., a Minor,

**Plaintiffs,**

FRONTIER AIRLINES, INC. et al.

#### Defendants.

Case No.: 2:19-cv-01322-KJD-DJA

**Defendants' Motion for Leave to file  
Response to Plaintiffs' Motion to File  
Exhibits to Response to Defendants'  
Motion for Summary Judgment  
Under Seal (ECF No. 280)**

**DEFENDANTS' MOTION FOR LEAVE TO FILE RESPONSE TO PLAINTIFFS'  
MOTION TO FILE EXHIBITS TO RESPONSE TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT UNDER SEAL**

Defendants FRONTIER AIRLINES, INC., SCOTT WARREN, and REX SHUPE (collectively “Defendants”), by their undersigned counsel, submit this Motion for Leave to file Response to Plaintiffs’ Motion to File Exhibits to Response to Defendants’ Motion for Summary Judgment Under Seal (ECF No. 280).

Date: December 15, 2023

Respectfully submitted,

## **FRONTIER AIRLINES, INC.**

/s/ Richard C. Harris

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**MOTION FOR LEAVE**

1) On November 30, 2023, Plaintiffs filed a Motion to File Exhibits to Response to Defendants' Motion for Summary Judgment Under Seal. The electronic court filing system generated a deadline of December 14, 2023, for Defendants to file a Response (ECE No. 280).

2) Pursuant to Local Rule IC 3-1(d), this deadline was provided as a courtesy only, and to the extent it conflicts with a Court Order, the Court's Order controls.

3) The parties' Agreed Protective Order provides:

“If any party believes that any material produced does not contain confidential information, it may, at any time, contest the applicability of this Agreed Protective Order to such material by notifying the attorneys for the party producing the material and identifying the material contested. Upon such notification, the attorneys for the producing party shall have thirty days in which to make a specific Motion for Protective Order with respect to such material.” ECF No. 37, p. 2.

4) The corresponding Order entered by the Court states:

“If the sole ground for a motion to seal is that the opposing party (or non-party) has designated a document as confidential, the designator shall file (within seven days of the filing of the motion to seal) either (1) a declaration establishing sufficient justification for sealing each document at issue or (2) a notice of withdrawal of the designation(s) and consent to unsealing.” ECF No. 38, p. 2.

5) Defendants were previously granted relief after they followed the procedure outlined in the parties' Agreed Protective Order and filed a Motion to Seal within 30 days of being notified that Plaintiffs were challenging certain confidential designations. ECF No. 150, pp. 8-9. When Plaintiffs filed their recent Motion to Seal (ECF No. 280), Defendants intended to follow that same procedure again, but upon examining the circumstances noted above, felt the prudent course was to file the instant Motion.

6) Defendants bring the instant Motion in good faith and in an attempt to address their obligations in the most efficient manner possible, and respectfully request that the Court grant them leave to file the short Response attached as **Exhibit A**.

## **CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court grant them leave to file Exhibit A as their Response to Plaintiffs' Motion to File Exhibits to Response to Defendants' Motion for Summary Judgment Under Seal (ECF No. 280).

Date: December 15, 2023

Respectfully submitted,

## **FRONTIER AIRLINES, INC.**

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2023, I caused the foregoing to be electronically filed with the United States District Court for the District of Nevada using the CM/ECF system.

By: /s/ Richard C. Harris